



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,558	07/28/2000	Thomas J. Herder	COS99070	3287

25537 7590 02/11/2004
WORLD COM, INC.
TECHNOLOGY LAW DEPARTMENT
1133 19TH STREET NW
WASHINGTON, DC 20036

EXAMINER

ZIA, MOSSADEQ

ART UNIT	PAPER NUMBER
----------	--------------

2134

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/627,558

Applicant(s)

HERDER, THOMAS J.

Examiner

Mossadeq Zia

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 8, 11, 16, 18, 20-22 are rejected under **35 U.S.C. 102(b)** as anticipated by Patent No. 4,998,279, Weiss.

3. Regarding claims 1, 16 Weiss discloses a method of validating a user for a transaction to be effectuated by using a transaction card, comprising the steps of:

configuring a biometric profile for said user, said biometric profile including a plurality of biometric samples related to said user (Weiss, col. 3, line 49-52);

associating said biometric profile with an indicium assigned to said transaction card (Weiss, col. 3, line 22-24);

biometrically interrogating said user when said transaction is attempted by said user (Weiss, col. 1, line 64-66);

monitoring a biometric response generated with respect to said user in response to said step of biometric interrogation (Weiss, col. 1, line 68; col. 2, line 1);

determining if said biometric response matches a biometric sample in said biometric profile (Weiss, col. 2, line 19-20); and

if so approving said user for the transaction (Weiss, col. 2, line 21).

Art Unit: 2134

4. Regarding claim 4, Weiss discloses claim 1 above, and further disclose steps of:

prompting said user to input said indicium assigned to said transaction card if said biometric response does not match a biometric sample to said biometric profile (Weiss, col. 3, line 22, 24-25);

confirming that said indicium is a valid personal identification number associated with said transaction card (Weiss, col. 3, line 26-27); and

approving said user for said transaction upon said confirmation (Weiss, col. 4, line 49-52).

5. Regarding claim 8, Weiss discloses a method of validating a user for a call to be effectuated over a Public Switched Telephone Network (PSTN) using a calling card, comprising the steps of:

configuring a personalized profile for said user, said personalized profile including a plurality of voice samples elicited from said user in response to a plurality of personalized questions directed to said user (Weiss, col. 3, line 49-52);

associating said personalized profile with an indicium assigned to said calling card (Weiss, col. 3, line 22-24);

determining if a voice verification is needed with respect to said user when said call is attempted by said user (Weiss, col. 3, line 24-26);

if so, querying said user for a voice response to a question that is randomly selected from the said plurality of personalized questions (Weiss, col. 1, line 64-66);

verifying if said voice response matches a corresponding voice sample in said voice profile (Weiss, col. 2, line 19-20); and

Art Unit: 2134

- if so, approving said user for said call involving said calling card (Weiss, col. 2, line 21).
6. Regarding claim 11, see reasoning in claim 4 above.
7. Regarding 18, Weiss discloses claim 16 above, and further disclose said entry inherently coupled to said user comprising a voiceprint associated with said user (Weiss, col. 3, line 49-51).
8. Regarding 20, Weiss discloses claim 16 above, and further disclose said terminal comprises a wireline phone (Weiss, col. 2, line 1).
9. Regarding 21, Weiss discloses claim 16 above, and further disclose said terminal comprises an Internet phone (Weiss, col. 2, line 1).
10. Regarding 22, Weiss discloses claim 16 above, and further disclose said terminal comprises a wireless medium device (Weiss, col. 2, line 1).
11. Claims 12, 13, 14 are rejected under **35 U.S.C. 102(b)** as anticipated by Patent No. 5,623,539, Bassenyemukasa et al.
12. Regarding claim 12, Bassenyemukasa et al disclose a fraud prevention method for use in a transaction-card-based system having a conventional authentication process, said comprising the step of:
- determining, by utilizing said conventional authentication process, if a fraudulent transaction is being attempted in said transaction-card-based system by a user using a transaction card (Bassenyemukasa, col. 3, line 7-10);
- if so, biometrically interrogating said user to obtain a biometric sample from said user (Bassenyemukasa, col. 3, line 21-22); and
- upon obtaining said biometric sample, denying access to said user for said transaction in said transaction-card-based system if said biometric sample does not match an entry stored in a

Art Unit: 2134

biometric profile database inherently associated with said transaction card's owner (Bassenyemukasa, col. 3, line 23);.

13. Regarding claim 13, Weiss discloses claim 12 above, and further disclose said fraudulent transaction is selected from the group consisting of placing a calling card call, accessing personal information data, accessing a bank account, accessing an Internet account, accessing a credit report, accessing employment records, and accessing medical records (Weiss, col. 4, line 48-52).

14. Regarding claim 14, Bassenyemukasa discloses claim 12 above, and further disclose said entry inherently associated with said transaction card's owner comprising a voiceprint associated with said owner (Bassenyemukasa, col. 2, line 31-34).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 2 is rejected under **35 U.S.C. 103(a)** as being unpatentable over Patent No. 4,998,279, Weiss in view of "Speaker Recognition in Telecom Applications" by Boves et al.

17. Regarding claim 2, Weiss discloses claim 1 above, but fails to disclose a portion of said plurality of biometric samples comprises voice sample generated by said user responsive to a plurality of questions directed to said user in said configuration step, and further wherein said step of biometric interrogation involves querying said user for voice response to a randomly selected question of said plurality of questions.

Art Unit: 2134

However, Boves et al teaches a speaker verification system (SV) that will select random utterance, read it to the caller, and ask the caller to repeat it. SV will ask the claimant to repeat random digit sequences, or random sequence of numbers between 21 and 99 (randomly selected question).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss as per teaching of Boves et al to include the mentioned system so it solves the problem of SV systems which can be fooled by playing a recording of a speaker saying her or his password (Boves, pg. 203, col. 2, paragraph highlighting "text-prompted").

18. Claim 3 is rejected **under 35 U.S.C. 103(a)** as being unpatentable over Patent No. 4,998,279, Weiss in view Patent No. 6,484,260, Scott et al.

19. Regarding claim 3, Weiss discloses claim 1 above, and further disclose steps of:

determining if said indicium is a valid personal identification number operating as a password associated with said transaction card (compare, Weiss, fig. 3A, label 45, 110); and

denying access to said user for said transaction if said indicium is not a valid identification number associated with said transaction card (Weiss, fig. 3A, label 45, 110).

But does not disclose prompting said user to input said indicium assigned to said transaction card after determining the said biometric response matches a biometric sample of said biometric profile.

However, Scott et al teach portable personal identification device (transaction card Scott, col. 1, line 47) wherein a processing unit can include a processor circuit, a memory and an encoder, wherein the memory stores the biometric data, and wherein the verification signal includes an encrypted signal encrypted by the encoder. In one embodiment, the encoder includes

Art Unit: 2134

an encoding circuit, and the verification signal further includes an ID code indicative (indicium) of the enrolled person or the device (Scott, col.2, line 15-20, fig. 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss as per teaching of Scott et al to include above teaching to gain the advantage of a portable personal identification device providing secure access to a host facility (Scott, col. 1, line 47-48).

20. Claims 5 and 17 are rejected **under 35 U.S.C. 103(a)** as being unpatentable over Patent No. 4,998,279, Weiss in view Patent No. 6,199,067, Geller.

21. Regarding claim 5, Weiss discloses claim 1 above, but fails to clearly disclose the step of configuring a biometric profile for said user is effectuated manually.

However, Geller teaches User Profile is encrypted and protected by a password or by other access control means such as biometrics (e.g. a fingerprint scan, voice pattern matching, etc.) such that only the user can access and update his or her User Profile (Gellar, effectuated manually, col. 16, line 50-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss as per teaching of Gellar to such that the User Profile is stored "confidentially" (Gellar, col. 16, line 49).

22. Regarding 17, Weiss discloses claim 16 above, but fail to show said entry inherently coupled to said user comprises at least one of a fingerprint, retinal scan, palm print, and implant ID chip associated with said user.

However, Geller teaches User Profile is encrypted and protected by a password or by other access control means such as biometrics (e.g. a fingerprint scan, voice pattern matching,

Art Unit: 2134

etc.) such that only the user can access and update his or her User Profile (Gellar, effectuated manually, col. 16, line 50-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss as per teaching of Gellar to such that the User Profile is stored "confidentially" (Gellar, col. 16, line 49).

23. Claim 15 is rejected **under 35 U.S.C. 103(a)** as being unpatentable over Patent No. 5,623,539, Bassenyemukasa et al in view Patent No. 6,199,067, Geller.

24. Regarding claim 15, Bassenyemukasa discloses claim 12 above, but fails to show said entry inherently associated with said transaction card's owner comprises at least one of a fingerprint, retinal scan, palm print, and implanted ID chip associated with said owner.

However, Geller teaches User Profile is encrypted and protected by a password or by other access control means such as biometrics (e.g. a fingerprint scan, voice pattern matching, etc.) such that only the user can access and update his or her User Profile (Gellar, effectuated manually, col. 16, line 50-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bassenyemukasa as per teaching of Gellar to such that the User Profile is stored "confidentially" (Gellar, col. 16, line 49).

25. Claims 6 and 7 are rejected **under 35 U.S.C. 103(a)** as being unpatentable over Patent No. 4,998,279, Weiss in view of Patent No. 5,802,199, Pare, Jr. et al.

26. Regarding claim 6, Weiss discloses claim 1 above, but fails to disclose the step of configuring a biometric profile for said user is effectuated automatically.

However, Pare, Jr. et al teaches a purging engine for deleting biometric samples and personal identification codes (Pare, col. 4, line 33-35) whereby said biometric samples of a user is deleted from the local computer biometric database if there has been no attempt to identify an individual upon expiration of a predetermined time limit (Pare, Jr., col. 4, line 42-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss as per teaching of Para, Jr. et al to include a purge engine in order to store only biometric samples from those individuals who use the system more often (Pare, Jr., col. 4, line 37-38).

27. Regarding claim 7, Weiss discloses claim 1 above, but fails to disclose the step of updating said biometric profile for said user.

However, Pare, Jr. et al teaches a purging engine for deleting biometric samples and personal identification codes (Pare, col. 4, line 33-35) whereby said biometric samples of a user is deleted from the local computer biometric database if there has been no attempt to identify an individual upon expiration of a predetermined time limit (Pare, Jr., col. 4, line 42-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss as per teaching of Para, Jr. et al to include a purge engine in order to store only biometric samples from those individuals who use the system more often (Pare, Jr., col. 4, line 37-38).

28. Claims 9, 10, 19 are rejected **under 35 U.S.C. 103(a)** as being unpatentable over Patent No. 4,998,279, Weiss in view of Patent No. 5,406,619, Akhteruzzaman, et al.

29. Regarding claims 9, 10, Weiss discloses claim 8 above, and further disclose the steps of:

prompting said user to input a response in response to said question that is randomly selected from plurality of personalized questions (Weiss, col. 3, line 22, 24-25);

verifying if said response matched a corresponding sample response in said personalized profile (compare, Weiss, fig. 3A, label 45, 110); and

denying access to said user for said call if said response does not match said corresponding sample response in said personalized profile (Weiss, col. 4, line 49-52fig. 3B, element 172),

but fails to show that populating at least portion of said personalized profile with a plurality of Dual Tone Multi Frequency (DTMF) sample response elicited from said user in said configuration step;

However, Akhteruzzaman teach that the user has the option of manually keying in the number to the Universal Authenticator (UA) and dialing the response back to the system manually. In this case a voiced response from the system provides the user with a random number to enter into the UA. Once this is keyed into UA by the user, the UA produces a corresponding output number on its display. This is entered by the user (using a telephone dual tone multi-frequency (DTMF) keyboard if provided or using voice if a speech-recognizing system is supported) to seek authentication (Akhteruzzaman, col. 2, line 65-68, col. 3, line 1-2, 5-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss as per teaching of Akhteruzzaman to have the option of manually keying in response.

Art Unit: 2134

30. Regarding 19, Weiss discloses claim 16 above, but fails to disclose said controller comprises an Automatic Response Unit associated with a Public Switched Telephone Network.

However, Akhteruzzaman teach that the user has the option of manually keying in the number to the Universal Authenticator (UA) and dialing the response back to the system manually. In this case a voiced response from the system provides the user with a random number to enter into the UA. Once this is keyed into UA by the user, the UA produces a corresponding output number on its display. This is entered by the user (using a telephone dual tone multi-frequency (DTMF) keyboard if provided or using voice if a speech-recognizing system is supported) to seek authentication (Akhteruzzaman, col. 2, line 65-68, col. 3, line 1-2, 5-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss as per teaching of Akhteruzzaman to have the option of manually keying in responses.

Conclusion

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mossadeq Zia whose telephone number is 703-305-8425. The examiner can normally be reached on 8:30 - 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mossadeq Zia
Examiner
Art Unit 2134

mz
2/6/04


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100